

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	CASE NO. 12-39574
Climmie Y. Butler	§	
	§	CHAPTER 13
DEBTOR(S)	§	

AMENDED DEBTOR'S MOTION TO MODIFY CONFIRMED PLAN

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

A HEARING HAS BEEN SET FOR THIS PROPOSED PLAN MODIFICATION FOR MAY 19, 2014 AT 10:00 AM IN COURTROOM 400, AT 515 RUSK, HOUSTON, TEXAS 77002.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

The Debtor(s) file this Motion to Modify their confirmed plan.

1. **HISTORY OF CASE.** This case was filed on 12/31/2012. The plan was confirmed on 4/3/2013. The plan has not been previously modified.
2. **REASON FOR MODIFICATION.** Debtor seeks to modify her confirmed plan to surrender her interest in a 2006 Chrysler 300, encumbered by a lien held by Santander Consumer and a 2007 Dodge Ram 1500, encumbered by a lien held by Wells Fargo Dealer Services.
3. **PLAN PAYMENTS UNDER CONFIRMED PLAN.** The current plan (as modified through this date) requires payments as follows:

Month 1 – 2:	\$1,795.00
Month 3 – 60:	\$1,600.00

4. **PAYMENTS PREVIOUSLY MADE.** As of the date this motion was filed, the Debtor(s) have made payments to the chapter 13 trustee totaling \$23,682.46. Attached as Exhibit "E" is a schedule of all amounts received by the chapter 13 trustee.

5. **FUTURE PROPOSED PLAN PAYMENTS (AS MODIFIED).** The proposed modified plan requires future payments as follows:

Month 1 – 15:	\$1,578.83
Month 16 – 60:	\$1,550.00

6. **CURRENT DEFAULTS.** The Debtor(s) are currently in default on payments to the chapter 13 trustee as follows:

Dollar amount in default:	\$1,141.22
Number of months in default:	.67
Last payment made:	March 19, 2014
Amount of last payment:	\$788.50

7. **PROPOSED PLAN MODIFICATIONS.**

- A. All payment defaults set forth in paragraph 6 are cured by this modification.
- B. See Exhibit "C" for Plan Summary and treatment of secured debts.

8. **INTERIM PAYMENTS.** Payments due under this modification will commence on the first due date after this modification is filed, whether or not the modification has yet been approved by the court.

9. **BUDGET.** The Debtor's schedules "I" and "J" that the Debtor(s) request to be considered with this modification are attached as Exhibit "D".

10. **ATTORNEY'S FEES (Check One):**

☒ Debtor(s)' counsel shall be paid \$450.00 as a fixed fee for this modification. This box may not be checked if the modification was proposed within 120 days of the date on which the plan was confirmed.

☐ If Debtor(s)' counsel seeks compensation, a separate application will be filed. If no application is filed, no compensation will be paid.

Dated: April 2, 2014

Respectfully Submitted,

Sughrue Law Firm, PLLC
5225 Katy Freeway, Ste. 505
Houston, Texas 77007
(713) 228-0200 Phone
(713) 588-8750 Fax

/s/ Jason Laas-Sughrue
Jason Laas-Sughrue
FBN 602423

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached Motion has been served by first class United States Mail, postage paid, or Certified Return Receipt Requested where indicated, or by electronic filing on the following parties, on this April 2, 2014:

US Trustee, Region 7
515 Rusk, Suite 3516
Houston, Texas 77002

William E. Heitkamp
(electronically)

Climmie Y. Butler
5014 Mabry Stream Court
Katy, TX 77449

All other persons and entities on attached sheet(s), if any.

/s/ Jason Laas-Sughrue
Jason Laas-Sughrue
FBN 602423